

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

AMENDMENTS TO LB 1185

(Amendments to AM3566)

1                   1. Insert the following sections:

2                   "Sec. 2.   (1) The employees of employers who are exempt  
3                   from the Nebraska Workers' Compensation Act under subdivision  
4                   (2) (d) of section 48-106 may be compensated for injury, death, or  
5                   occupational disease which is covered under the act by filing a  
6                   claim under the act. If compensation is ordered, it shall be paid  
7                   from the Workers' Compensation Agricultural Employees Fund. The  
8                   Nebraska Workers' Compensation Court shall adopt and promulgate  
9                   rules and regulations to carry out this section.

10                   (2) The Workers' Compensation Agricultural Employees Fund  
11                   is created. The fund consists of revenue received pursuant to  
12                   section 77-2702.07. Any money in the fund available for investment  
13                   shall be invested by the state investment officer pursuant to the  
14                   Nebraska Capital Expansion Act and the Nebraska State Funds  
15                   Investment Act.

16                   Sec. 3.   Section 48-1,110, Reissue Revised Statutes of  
17                   Nebraska, is amended to read:

18                   48-1,110. (1) Sections 48-101 to 48-1,117 and section 2  
19                   of this act shall be known and may be cited as the Nebraska  
20                   Workers' Compensation Act.

21                   (2) It is the intent of the Legislature that the changes  
22                   made in Laws 1986, LB 811, shall not affect or alter any rights,  
23                   privileges, or obligations existing immediately prior to July 17,

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

1 1986.

2           Sec. 4. Section 77-2702.07, Revised Statutes Supplement,  
3 2000, is amended to read:

4           77-2702.07. (1) Gross receipts shall mean the total  
5 amount of the sale or lease or rental price, as the case may be, of  
6 the retail sales of retailers valued in money whether received in  
7 money or otherwise, without any deduction on account of any of the  
8 following:

9           (a) The cost of property sold. In accordance with rules  
10 and regulations adopted and promulgated by the Tax Commissioner, a  
11 deduction may be taken if the retailer has purchased property for  
12 some purpose other than resale, has reimbursed his or her vendor  
13 for tax which the vendor is required to pay to the state or has  
14 paid the use tax with respect to the property, and has resold the  
15 property prior to making any use of the property other than  
16 retention, demonstration, or display while holding it for sale in  
17 the regular course of business. If such a deduction is taken by  
18 the retailer, no refund or credit will be allowed to his or her  
19 vendor with respect to the sale of the property;

20           (b) The cost of the materials used, labor or service  
21 costs, interest paid, losses, or any other expense;

22           (c) The cost of transportation of the property;

23           (d) The amount of any excise or property tax levied  
24 against the property except as otherwise provided in the Nebraska  
25 Revenue Act of 1967; or

26           (e) The amount charged for warranties, guarantees, or  
27 maintenance agreements.

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

1                   (2) Gross receipts of every person engaged as a public  
2 utility specified in this subsection or as a community antenna  
3 television service operator or any person involved in connecting  
4 and installing services defined in subdivision (2)(a), (b), or (d)  
5 of this section shall mean:

6                   (a) In the furnishing of telephone communication service,  
7 the gross income received from furnishing local exchange telephone  
8 service and intrastate message toll telephone service. Gross  
9 receipts shall not mean (i) the gross income, including division of  
10 revenue, settlements, or carrier access charges received on or  
11 after January 1, 1984, from the sale of a telephone communication  
12 service to a communication service provider for purposes of  
13 furnishing telephone communication service or (ii) the gross income  
14 attributable to services rendered using a prepaid telephone calling  
15 arrangement. For purposes of this subdivision, a prepaid telephone  
16 calling arrangement shall mean the right to exclusively purchase  
17 telecommunications services that are paid for in advance that  
18 enables the origination of calls using an access number or  
19 authorization code, whether manually or electronically dialed;

20                   (b) In the furnishing of telegraph service, the gross  
21 income received from the furnishing of intrastate telegraph  
22 services;

23                   (c) In the furnishing of gas, electricity, sewer, and  
24 water service except water used for irrigation of agricultural  
25 lands and manufacturing purposes, the gross income received from  
26 the furnishing of such services upon billings or statements  
27 rendered to consumers for such utility services; and

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

1           (d) In the furnishing of community antenna television  
2 service, the gross income received from the furnishing of such  
3 community antenna television service as regulated under sections  
4 18-2201 to 18-2205 or 23-383 to 23-388.

5           Gross receipts shall also mean gross income received from  
6 the provision, installation, construction, servicing, or removal of  
7 property used in conjunction with the furnishing, installing, or  
8 connecting of any public utility services specified in subdivision  
9 (2)(a) or (b) of this section or community antenna television  
10 service specified in subdivision (2)(d) of this section. Gross  
11 receipts shall not mean gross income received from telephone  
12 directory advertising.

13           (3) Gross receipts of every person engaged in selling,  
14 leasing, or otherwise providing intellectual or entertainment  
15 property shall mean:

16           (a) In the furnishing of computer software, the gross  
17 income received, including the charges for coding, punching, or  
18 otherwise producing computer software and the charges for the  
19 tapes, disks, punched cards, or other properties furnished by the  
20 seller. Gross receipts shall not mean the amount charged for  
21 training customers in the use of computer software if such amount  
22 is separately stated and such separate statement is not used as a  
23 means of avoiding imposition of the tax upon the actual sales price  
24 of the computer software; and

25           (b) In the furnishing of videotapes, movie film,  
26 satellite programming, satellite programming service, and satellite  
27 television signal descrambling or decoding devices, the gross

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

1 income received from the license, franchise, or other method  
2 establishing the charge except the gross income received from  
3 videotape and film rentals, satellite programming, and satellite  
4 programming service when the sales tax or the admission tax is  
5 charged under the Nebraska Revenue Act of 1967 and except as  
6 provided in section 77-2704.39.

7 (4) Gross receipts shall mean, except as provided in  
8 section 9-811, the gross receipts of lottery tickets purchased  
9 pursuant to the State Lottery Act. Proceeds of the tax under this  
10 subdivision shall be remitted to the State Treasurer for credit to  
11 the Workers' Compensation Agricultural Employees Fund;

12 (5) Gross receipts shall not include any of the  
13 following:

14 (a) Cash discounts allowed and taken on sales;

15 (b) (i) Before January 1, 1997, the amount of any rebate  
16 granted by a motor vehicle manufacturer or dealer at the time of  
17 sale of the motor vehicle, which rebate functions as a discount  
18 from the sales price of the motor vehicle; and

19 (ii) On and after January 1, 1997, the amount of any  
20 rebate granted by a motor vehicle or motorboat manufacturer or  
21 dealer at the time of sale of the motor vehicle or motorboat, which  
22 rebate functions as a discount from the sales price of the motor  
23 vehicle or motorboat;

24 (c) Sales price of property returned by customers when  
25 the full sales price is refunded either in cash or credit;

26 (d) The amount charged for finance charges, carrying  
27 charges, service charges, or interest from credit extended on sales

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

1 of property under contracts providing for deferred payments of the  
2 purchase price if such charges are not used as a means of avoiding  
3 imposition of the tax upon the actual sales price of the property;

4 (e) The value of property taken by a seller in trade as  
5 all or a part of the consideration for a sale of property of any  
6 kind or nature;

7 (f) (i) Before January 1, 1997, the value of a motor  
8 vehicle taken by any person in trade as all or a part of the  
9 consideration for a sale of another motor vehicle; and

10 (ii) On and after January 1, 1997, the value of a motor  
11 vehicle or motorboat taken by any person in trade as all or a part  
12 of the consideration for a sale of another motor vehicle or  
13 motorboat;

14 (g) Receipts from conditional sale contracts, installment  
15 sale contracts, rentals, and leases executed in writing prior to  
16 June 1, 1967, and with delivery of the property prior to June 1,  
17 1967, if such conditional sale contracts, installment sale  
18 contracts, rentals, or leases are for a fixed price and are not  
19 subject to negotiation or alteration; or

20 (h) Except as provided in subsection (2) of this section,  
21 the amount charged for labor or services rendered in installing or  
22 applying the property sold if such amount is separately stated and  
23 such separate statement is not used as a means of avoiding  
24 imposition of the tax upon the actual sales price of the property.

25 Sec. 5. This act becomes operative on October 1, 2002.

26 Sec. 7. The following section is outright repealed:  
27 Section 77-2704.38, Reissue Revised Statutes of Nebraska."

AM3612  
LB 1185  
DCC-04-08

AM3612  
LB 1185  
DCC-04-08

- 1                    2.     Correct the repealer and renumber the remaining
- 2     section accordingly.